

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

TROY PHILLIPS,	Plaintiff ,	)	Case: 1:18-cv-00752
vs.		)	JOINT STIPULATION
ORLEANS COUNTY ET AL.		)	REQUEST FOR AMENDED
	Defendants.)	)	SCHEDULING ORDER
		)	

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Plaintiff Troy Phillips and Defendants Orleans County, Charles Nesbitt, Jr., Gerald Gray and the Civil Service Employees Association, constituting all the parties appearing in this action, through undersigned counsel of record hereby stipulate to reopen the discovery period for the sole purpose of conducting depositions of two third-party witnesses, Peggy Phillips and Robert Moory. The depositions of Ms. Phillips and Mr. Moory will be held on August 24, 2021 and August 25, 2021, respectively. The parties also seek an Amended Scheduling Order providing reasonable time to file their Motions for Summary Judgment and attendant Responses and Replies. Submission of Motions for Summary Judgment will be due three weeks from receipt of the last transcript associated with these two depositions, with Responses due four weeks thereafter. Finally, Replies will be due two weeks after the filing of Responses in this matter.

**Reason For Continuance.** In lieu of further motion practice, the parties have agreed to resolve their disputes related to the limited scope issue now before the Court. The parties believe that the Amended Scheduling Order will provide reasonable time to complete discovery and file their respective motions. The parties have consulted with both third-party witnesses who have agreed to this Proposed Scheduling Order and to their depositions to be conducted on the dates set forth, above.

**Therefore,** Plaintiff Troy Phillips and third-party witness Peggy Phillips ask to withdraw their Motion to Quash and for a Protective Order and further, the parties seek that an Amended Scheduling Order be approved by this Honorable Court.

Now, therefore, **IT IS HEREBY STIPULATED** by and between all the parties to this action as follows:

1. That two additional depositions be held on August 24, 2021 and August 25, 2021, the deponents scheduled for these dates to be third-parties Peggy Phillips and Robert Mootry; and,
2. The filing deadline for Motions for Summary Judgment on the limited issue set forth in this Honorable Court's Order of December 2, 2020, Doc. No. 6, be extended until three weeks after receipt of the last transcript related to such depositions; and,
3. Responses to Motions for Summary Judgment be extended until four weeks after the filing of such motions; and,
4. Replies be extended until two weeks commencing immediately after the filing of Responses in this matter.

SO STIPULATED:

Dated: June 23, 2021

HALL LAW FIRM PLLC

/s/ Earl Hall

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By: Earl Hall  
Attorney for Plaintiff Troy Phillips

Dated: July 23, 2021

WEBSTER SZANYI LLP

/s/ Heather Dechert

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By: Heather Dechert  
Attorney for Defendant Orleans County,  
Charles Nesbitt, Jr. and Gerald Gray

Dated: July 23, 2021

CIVIL SERVICE EMPLOYEES ASSOCIATION

/s/ Leslie Perrin

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By: Leslie Perrin  
Attorney for Civil Service Employees Assn.

SO ORDERED, this \_\_\_\_ day of July, 2021

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The Hon. Christina Reiss, U.S.D.J